

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0252.01 Duane Gall x4335

HOUSE BILL 20-1064

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HOUSE SPONSORSHIP

Hooton, Kennedy

SENATE SPONSORSHIP

(None),

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House Committees

Energy & Environment  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING INVESTIGATIONS BY THE PUBLIC UTILITIES COMMISSION  
102 TO EVALUATE THE IMPLICATIONS OF ALLOWING COMMUNITY  
103 CHOICE OF WHOLESALE ELECTRIC SUPPLY IN COLORADO  
104 THROUGH THE VEHICLE OF COMMUNITY CHOICE ENERGY  
105 AUTHORITIES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Investor-owned Utility Review Interim Study Committee.** The bill declares that the concept of "community choice energy" (CCE), under

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

which a community may choose to purchase electricity at wholesale through a supplier other than the local investor-owned electric utility, has the potential to enable communities to meet their renewable energy goals and save money without disrupting the local utility's current status as sole supplier of transmission, distribution, and customer service functions. To lay the groundwork for potential adoption of CCE in Colorado, the bill proposes 2 studies:

- ! A feasibility study, conducted by an independent energy expert under the guidance of the public utilities commission (PUC), to examine the financial and technical requirements that would need to be met for CCE to be viable and beneficial; and
- ! An investigatory proceeding at the PUC, inviting testimony and documentation from persons with firsthand knowledge of utility operations, CCE, or both, including regulators from other states in which CCE has been implemented. The goal of the investigation is to identify best practices and recommend legislative changes that would allow CCE to function well in Colorado if adopted.

The bill directs that reports of the results of the feasibility study and the investigatory docket be given to the legislative committees with jurisdiction over energy matters in late 2020.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 40-4-120 as  
3 follows:

4           **40-4-120. Community choice in wholesale electric supply -**  
5 **investigation and analysis - duties of commission - reports - legislative**  
6 **declaration - definition - repeal.** (1) **Legislative declaration.** (a) THE  
7 GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

8           (I) AT LEAST A DOZEN COMMUNITIES IN COLORADO, KNOWN AS  
9 THE "READY FOR 100" CITIES, HAVE COMMITTED TO OBTAINING ONE  
10 HUNDRED PERCENT RENEWABLE ENERGY BY 2025 TO 2035. IN ADDITION,  
11 AT LEAST TWO DOZEN COMMUNITIES, KNOWN AS "COLORADO  
12 COMMUNITIES FOR CLIMATE ACTION", HAVE ORGANIZED TO ADVOCATE  
13 FOR CLIMATE CHANGE SOLUTIONS. THESE COMMUNITIES, WHICH

1 REPRESENT MORE THAN ONE MILLION COLORADANS, CANNOT REACH  
2 THEIR ENERGY AND CLIMATE GOALS WITHIN THEIR DESIRED TIME PERIODS  
3 UNLESS THEY ARE GIVEN GREATER CHOICE AND CONTROL OVER THEIR  
4 WHOLESALE ELECTRICITY SUPPLY.

5 (II) A KEY ELEMENT OF THE GOVERNOR'S POLICY INITIATIVE,  
6 ENTITLED "ROADMAP TO 100% RENEWABLE ENERGY BY 2040 AND BOLD  
7 CLIMATE ACTION", PRIORITIZES SUPPORTING LOCAL COMMITMENTS TO  
8 ONE HUNDRED PERCENT RENEWABLE ENERGY.

9 (III) THE ABILITY OF A COMMUNITY TO ACHIEVE ITS ENERGY  
10 GOALS IS CURRENTLY LIMITED BY THE ENERGY SUPPLY AND  
11 DECARBONIZATION TIMELINE OF THE ELECTRIC UTILITY THAT SERVES THAT  
12 COMMUNITY'S GEOGRAPHIC AREA. THE ABILITY TO PROCURE ELECTRICITY  
13 FROM ALTERNATIVE WHOLESALE SUPPLIERS MAY ENABLE COMMUNITIES  
14 TO ACHIEVE THEIR ENERGY GOALS SUBSTANTIALLY FASTER AND MORE  
15 COST-EFFECTIVELY.

16 (IV) THE STUDY OF COMMUNITY CHOICE ENERGY (CCE), ALSO  
17 COMMONLY KNOWN AS COMMUNITY CHOICE AGGREGATION OR CCA,  
18 WHICH IS A LOCAL ENERGY MODEL THAT HAS BEEN ADOPTED IN A NUMBER  
19 OF STATES AND IS PROVING TO BE EFFECTIVE FOR COMMUNITIES IN  
20 ACHIEVING THEIR RENEWABLE ENERGY GOALS, WOULD ANSWER KEY  
21 QUESTIONS AND ILLUMINATE THE POTENTIAL BENEFITS AND CHALLENGES  
22 OF ADAPTING THAT MODEL FOR USE IN COLORADO.

23 (V) UNDER CCE, COMMUNITIES MAY CHOOSE THEIR WHOLESALE  
24 ELECTRICITY SUPPLIERS WHILE CONTINUING TO HAVE THE ELECTRICITY  
25 DELIVERED BY THE INCUMBENT UTILITY. THE CCE OPTION ALLOWS  
26 COMMUNITIES TO CHOOSE AMONG WHOLESALE POWER SUPPLIERS WITHOUT  
27 INTERFERING WITH NON-PROCUREMENT-RELATED UTILITY OPERATIONS.

1           (VI) IN THE CCE SCENARIO, AN INVESTOR-OWNED ELECTRIC  
2 UTILITY WOULD CONTINUE TO OWN AND OPERATE ITS TRANSMISSION AND  
3 DISTRIBUTION SYSTEM, BUT THE UTILITY WOULD NO LONGER HAVE A  
4 MONOPOLY ON PROVIDING THE ELECTRICITY SUPPLY TO THE JURISDICTION.  
5 UTILITIES WOULD CONTINUE TO OWN THEIR POWER GENERATION, BUT IF  
6 A COMMUNITY CHOOSES TO ADOPT CCE IN PURSUIT OF MORE AFFORDABLE  
7 ELECTRICITY RATES AND MORE AGGRESSIVE RENEWABLE ENERGY OR  
8 OTHER GOALS, THE UTILITY WOULD DELIVER THE ELECTRICITY FROM ONE  
9 OR MORE ALTERNATIVE SUPPLIERS AND BE APPROPRIATELY COMPENSATED  
10 FOR ITS TRANSMISSION AND DISTRIBUTION SERVICES. IN THE WHOLESALE,  
11 OPT-OUT MODEL OF CCE, INDIVIDUAL CUSTOMERS ARE AUTOMATICALLY  
12 ENROLLED AND RETAIN THE RIGHT TO OPT OUT OF THEIR COMMUNITY'S  
13 CCE OFFERINGS AND RECEIVE ELECTRICITY SUPPLIED BY THE UTILITY  
14 UNDER ITS TRADITIONAL "BUNDLED SERVICE". THE GENERAL ASSEMBLY  
15 SPECIFICALLY FINDS THAT THE OPT-IN MODEL OF CCE, WHERE INDIVIDUAL  
16 CUSTOMERS ARE NOT AUTOMATICALLY ENROLLED IN CCE, IS A KNOWN  
17 RECIPE FOR FAILURE, AND THAT THE RETAIL MODEL OF CCE PRACTICED IN  
18 DEREGULATED RETAIL CHOICE STATES DOES NOT PROMOTE THE  
19 CONDITIONS NEEDED FOR DEVELOPMENT OF HIGH LEVELS OF RENEWABLE  
20 ENERGY.

21           (VII) A WELL-DESIGNED WHOLESALE, OPT-OUT CCE PROGRAM  
22 WOULD INTRODUCE AN ELEMENT OF WHOLESALE COMPETITION AND  
23 COMMUNITY-LEVEL CHOICE INTO THE SUPPLY OF ELECTRICITY, LIKELY  
24 DRIVING LOWER RATES AND CLEANER ENERGY, WHILE MAINTAINING THE  
25 VIABILITY AND STRENGTH OF COLORADO'S EXISTING INVESTOR-OWNED  
26 ELECTRIC UTILITIES AND WITHOUT IMPOSING ADDITIONAL COSTS ON THE  
27 UTILITY OR ITS BUNDLED-SERVICE CUSTOMERS. CCE COULD ALSO PROVIDE

1 COMMUNITIES THAT HAVE AMBITIOUS RENEWABLE ENERGY GOALS WITH  
2 A MEANS TO REACH THOSE GOALS MORE QUICKLY AND COST-EFFECTIVELY.

3 (VIII) THIS SECTION PERTAINS ONLY TO A STUDY OF CCE, NOT ITS  
4 IMPLEMENTATION. WHILE CCE SHOWS THE POTENTIAL TO ALLOW  
5 COLORADO COMMUNITIES TO MAKE LOCAL ENERGY DECISIONS, MEET  
6 THEIR ENERGY GOALS, REDUCE ENERGY COSTS, FOSTER LOCAL ECONOMIC  
7 DEVELOPMENT, AND KEEP ENERGY DOLLARS CIRCULATING LOCALLY, IT IS  
8 PRUDENT TO STUDY THE ECONOMIC AND TECHNICAL FEASIBILITY AND THE  
9 REGULATORY IMPLICATIONS AND LEGAL IMPACTS OF CCE BEFORE  
10 CONSIDERING CCE-ENABLING LEGISLATION.

11 (IX) CCE IS AN INNOVATIVE CONCEPT, WHICH OTHER STATES  
12 HAVE ALREADY SUCCESSFULLY IMPLEMENTED, GIVING COLORADO THE  
13 OPPORTUNITY TO IDENTIFY BEST PRACTICES AND LESSONS LEARNED FROM  
14 THEIR EXPERIENCES. THE TWO INDEPENDENT STUDIES DESCRIBED IN THIS  
15 SECTION WILL ANSWER KEY QUESTIONS ABOUT THE VIABILITY OF CCE IN  
16 COLORADO AND WILL AID IN DETERMINING THE OPTIMAL APPROACH FOR  
17 CCE LEGISLATION IN COLORADO IF THE STUDIES SHOW NET BENEFITS FOR  
18 COLORADO COMMUNITIES AND THE STATE. THE STUDIES WILL PROVIDE  
19 THE INFORMATION NEEDED TO DETERMINE WHETHER THE APPARENT  
20 PROMISE OF CCE FOR COLORADO'S ENERGY AND ECONOMIC FUTURE HAS  
21 MERIT.

22 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IN  
23 THE PUBLIC INTEREST TO DIRECT THE COMMISSION TO EVALUATE THE  
24 VIABILITY OF THE WHOLESALE, OPT-OUT MODEL OF CCE IN COLORADO  
25 AND TO ANSWER KEY QUESTIONS ABOUT CCE IN COLORADO IN TWO  
26 SPECIFIC WAYS:

27 (I) BY OVERSEEING A THIRD-PARTY FINANCIAL AND TECHNICAL

1 FEASIBILITY STUDY; AND

2 (II) BY CONDUCTING ITS OWN INVESTIGATORY PROCEEDING USING  
3 THE MECHANISM OF AN INVESTIGATORY DOCKET TO STUDY REGULATORY  
4 AND LEGAL ISSUES.

5 (2) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES, "COMMUNITY CHOICE ENERGY" OR "CCE" MEANS  
7 A MECHANISM THAT ALLOWS CITIES OR COUNTIES, OR GROUPS OF CITIES  
8 AND COUNTIES, TO COMBINE THEIR PURCHASING POWER AND CHOOSE ONE  
9 OR MORE ALTERNATIVE WHOLESALE ELECTRICITY SUPPLIERS ON BEHALF  
10 OF THE RESIDENTS, BUSINESSES, AND MUNICIPAL FACILITIES IN THE  
11 JURISDICTION WHILE THE INCUMBENT UTILITY CONTINUES TO OWN AND  
12 OPERATE ITS TRANSMISSION AND DISTRIBUTION SYSTEM AND DELIVER THE  
13 ELECTRICITY.

14 (3) **Feasibility study.** (a) IN ACCORDANCE WITH THIS SUBSECTION  
15 (3), THE COMMISSION SHALL OVERSEE, AND REPORT TO THE GENERAL  
16 ASSEMBLY THE CONCLUSIONS OF, A STUDY ON THE FINANCIAL AND  
17 TECHNICAL FEASIBILITY OF ALLOWING CCE IN COLORADO.

18 (b) THE COMMISSION SHALL:

19 (I) SELECT, THROUGH A TRANSPARENT, COMPETITIVE PROCESS, AN  
20 INDEPENDENT AND QUALIFIED AGENT TO PERFORM THE STUDY;

21 (II) DETERMINE THE SCOPE OF, AND SPECIFIC QUESTIONS TO BE  
22 ADDRESSED BY, THE STUDY, SUBJECT TO THE GUIDELINES SET FORTH IN  
23 THIS SUBSECTION (3);

24 (III) ACQUIRE THE DATA NECESSARY TO EFFECTIVELY CONDUCT  
25 THE STUDY FROM THE INVESTOR-OWNED ELECTRIC UTILITIES IN A TIMELY  
26 FASHION, UTILIZING CONFIDENTIALITY AND NONDISCLOSURE AGREEMENTS  
27 ONLY IF CUSTOMER-SPECIFIC DATA ARE NEEDED; AND

1 (IV) REPORT THE PROCESS AND CONCLUSIONS OF THE STUDY, ON  
2 OR BEFORE NOVEMBER 30, 2020, TO THE TRANSPORTATION AND ENERGY  
3 COMMITTEE OF THE SENATE AND THE ENERGY AND ENVIRONMENT  
4 COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR  
5 COMMITTEES.

6 (c) THE PURPOSE OF THE FINANCIAL COMPONENT OF THE STUDY IS  
7 TO ASSESS FINANCIAL FEASIBILITY AND RISK, INCLUDING THE POTENTIAL  
8 FOR RATE COMPETITIVENESS AND AN ESTIMATE OF THE AMOUNT AND  
9 DURATION OF ANY TRANSITION FEES, ALSO KNOWN AS EXIT FEES, THAT  
10 COMMUNITIES FORMING A CCE AUTHORITY WOULD PAY TO OFFSET THEIR  
11 FAIR SHARE OF THE COSTS OF UTILITY ASSETS AND CONTRACTS THAT WERE  
12 PROCURED ON THEIR BEHALF AND PREVIOUSLY APPROVED. THE AGENT  
13 SHALL MAKE THESE ASSESSMENTS USING INDUSTRY BEST PRACTICES AND  
14 ASSUMING A RANGE OF SCENARIOS THAT INCLUDE:

15 (I) THE LEVEL OF CCE PARTICIPATION IN COLORADO, INCLUDING  
16 BOTH THE NUMBER OF ELIGIBLE COMMUNITIES THAT CHOOSE TO FORM OR  
17 JOIN A CCE AUTHORITY AND THE ASSUMED OPT-OUT RATE OF THEIR  
18 CUSTOMERS, TO EVALUATE THE MARKET SCALE AND REVENUE  
19 GENERATION NEEDED FOR CCE TO SUCCEED IN COLORADO;

20 (II) ELEMENTS TO BE INCLUDED IN THE COST RECOVERY  
21 CONSIDERATION, INCLUDING THE AGE AND TIME OF SERVICE  
22 COMMENCEMENT OF GENERATION ASSETS AND EXISTING CONTRACTS; AND

23 (III) RATE ANALYSIS TO DETERMINE THE ABILITY OF CCE TO BE  
24 COST-COMPETITIVE IN COLORADO, INCLUDING CONSIDERATION OF  
25 REASONABLY ANTICIPATED TRENDS AND CONTINGENCIES AFFECTING THE  
26 PRICES OF FOSSIL FUELS AND RENEWABLE RESOURCES.

27 (d) THE PURPOSES OF THE TECHNICAL COMPONENT OF THE STUDY

1 ARE TO:

2 (I) PROVIDE INFORMATION ON REGULATORY AND POLICY  
3 CONSIDERATIONS FOR FORMING CCE AUTHORITIES IN A STATE THAT DOES  
4 NOT CURRENTLY BELONG TO A REGIONAL TRANSMISSION ORGANIZATION;

5 (II) RECOMMEND LEGISLATIVE LANGUAGE THAT:

6 (A) REAFFIRMS THE FEDERAL ENERGY REGULATORY COMMISSION'S  
7 ORDER 888, ISSUED APRIL 24, 1996, CONCERNING OPEN ACCESS  
8 TRANSMISSION TARIFFS; AND

9 (B) AUTHORIZES THE COMMISSION TO ESTABLISH FAIR  
10 TRANSMISSION ACCESS RULES AND PRICING;

11 (III) ASSESS THE IMPLICATIONS OF CCE FOR RESOURCE ADEQUACY  
12 AND RELIABILITY;

13 (IV) RECOMMEND LEGISLATIVE OR ADMINISTRATIVE MEASURES,  
14 OR BOTH, CONCERNING WHOLESALE MARKET ACCESS AND DEVELOPMENT  
15 IN COLORADO; AND

16 (V) CONSIDER OTHER LEGISLATIVE AND REGULATORY  
17 MODIFICATIONS NECESSARY TO SUCCESSFULLY IMPLEMENT CCE IN  
18 COLORADO.

19 (4) **Investigatory docket.** (a) ON OR BEFORE SEPTEMBER 1, 2020,  
20 AND IN ACCORDANCE WITH THIS SUBSECTION (4), THE COMMISSION SHALL  
21 OPEN AN INVESTIGATORY DOCKET TO ACCEPT TESTIMONY AND  
22 DOCUMENTATION FROM STAKEHOLDERS, INDEPENDENT ENERGY AND  
23 UTILITY EXPERTS, REGULATORS FROM STATES IN WHICH CCE HAS BEEN  
24 IMPLEMENTED OR IS UNDER CONSIDERATION, AND COMMISSION STAFF. THE  
25 GOAL OF THE PROCEEDING IS TO CONSIDER THE REGULATORY  
26 IMPLICATIONS AND LEGAL IMPACTS OF CCE LEGISLATION AND PROVIDE  
27 RECOMMENDATIONS TO THE GENERAL ASSEMBLY. CONCLUSIONS SHOULD



1 INCLUDE BEST PRACTICES AND LESSONS LEARNED FROM OTHER STATES  
2 THAT HAVE ENABLED CCE AT THE WHOLESALE LEVEL. THE COMMISSION  
3 SHALL EMPLOY PROCEDURES THAT PROMOTE A PRODUCTIVE, EFFECTIVE,  
4 AND EVIDENCE-BASED PROCESS.

5 (b) THE COMMISSION SHALL SOLICIT INPUT FROM A BROADLY  
6 INCLUSIVE RANGE OF STAKEHOLDERS AND PRESENTERS TO ENSURE THAT  
7 THE PROCESS IS NOT DOMINATED BY ANY ONE GROUP OR VIEWPOINT.  
8 STAKEHOLDERS AND PRESENTERS MAY INCLUDE:

9 (I) COMMUNITIES WITH DECLARED GOALS REGARDING CARBON  
10 EMISSIONS OR ENERGY SUPPLY CHOICES;

11 (II) BUSINESS GROUPS;

12 (III) ENVIRONMENTAL ADVOCATES;

13 (IV) CONSUMER ADVOCATES;

14 (V) ELECTRIC UTILITIES, INCLUDING INVESTOR-OWNED ELECTRIC  
15 UTILITIES, COOPERATIVE ELECTRIC ASSOCIATIONS, AND DISTRIBUTION  
16 COOPERATIVES;

17 (VI) INDEPENDENT POWER PRODUCERS;

18 (VII) POWER MARKETERS;

19 (VIII) RENEWABLE ENERGY DEVELOPERS;

20 (IX) CONSULTANTS OR OTHER EXPERTS IN ENERGY PROJECT  
21 FINANCING;

22 (X) CONSULTANTS OR OTHER EXPERTS IN ENERGY EFFICIENCY AND  
23 DISTRIBUTED ENERGY RESOURCES; AND

24 (XI) MEMBERS OF THE GENERAL PUBLIC.

25 (c) THE TOPICS AND QUESTIONS TO BE EXPLORED IN THE DOCKET  
26 MAY INCLUDE:

27 (I) WHETHER THE COMMISSION REQUIRES ADDITIONAL STATUTORY

1 AUTHORITY TO CONDUCT A RULE-MAKING PROCEEDING CONCERNING THE  
2 CREATION OF CCE AUTHORITIES IN COLORADO;

3 (II) THE APPROPRIATE SCOPE OF REGULATORY OVERSIGHT OF CCE  
4 OPERATIONS, ON A SCALE RANGING FROM COMPREHENSIVE TO MINIMAL;

5 (III) WHICH ASPECTS, IF ANY, OF CURRENT OR ANTICIPATED  
6 INVESTOR-OWNED ELECTRIC UTILITY REGULATION BY THE COMMISSION  
7 SHOULD APPLY TO CCE AUTHORITIES AS WELL, INCLUDING REGULATION  
8 IN THE AREAS OF:

9 (A) RESOURCE ADEQUACY PLANNING;

10 (B) COMPLIANCE WITH RENEWABLE ENERGY STANDARDS;

11 (C) DEMAND-SIDE MANAGEMENT REQUIREMENTS; AND

12 (D) TIME-OF-USE RATES OR OTHER RATE REQUIREMENTS IF  
13 MANDATED FOR INVESTOR-OWNED ELECTRIC UTILITIES;

14 (IV) THE APPROPRIATE CONSIDERATIONS FOR ESTABLISHING  
15 REASONABLE EXIT FEES AT A LEVEL THAT PROVIDES COST RECOVERY FOR  
16 STRANDED INVESTOR-OWNED ELECTRIC UTILITY ASSETS AND CONTRACTS  
17 BUT DOES NOT UNDULY BURDEN PROSPECTIVE CCE CUSTOMERS,  
18 INCLUDING THE POTENTIAL FOR EXIT FEES TO VARY OVER TIME OR BY  
19 LOCATION, THE ESTABLISHMENT OF A SPECIFIC EXPIRATION PERIOD FOR  
20 EXIT FEES, MEASURES TO MITIGATE EXIT FEE IMPACTS THROUGH  
21 CONTRACT TRANSFER OR RESALE, AND APPROPRIATE FORECASTING OF  
22 DEPARTING LOAD TO AVOID OVER-PROCUREMENT;

23 (V) THE APPROPRIATE CONDITIONS, LIMITATIONS, AND  
24 PROCEDURES UNDER WHICH CUSTOMERS MAY OPT OUT OF CCE AND  
25 RECEIVE BUNDLED SERVICE FROM THE INVESTOR-OWNED ELECTRIC  
26 UTILITY;

27 (VI) WHETHER ANY OTHER CONSUMER PROTECTIONS WOULD BE

1       REQUIRED, AND THE MEANS OF PROVIDING THOSE PROTECTIONS;

2               (VII) STRATEGIES FOR OVERCOMING ANY CHALLENGES TO THE

3       AVAILABILITY OF CREDIT FOR THE STARTUP OR CONTINUING OPERATION OF

4       CCE PROGRAMS;

5               (VIII) WHAT REGULATORY AND LEGAL ISSUES HAVE ARISEN IN

6       OTHER STATES THAT HAVE ADOPTED THE WHOLESALE, OPT-OUT MODEL OF

7       CCE, AND POSSIBLE SOLUTIONS FOR THOSE ISSUES;

8               (IX) WHETHER AN INVESTOR-OWNED ELECTRIC UTILITY THAT

9       REMAINS THE SOLE PROVIDER OF DISTRIBUTION, TRANSMISSION, AND

10       OTHER SERVICES TRADITIONALLY PROVIDED BY THE UTILITY, SUCH AS

11       METERING AND BILLING, SHOULD ALSO BE THE PROVIDER OF LAST RESORT

12       FOR SUPPLYING ELECTRICITY TO CUSTOMERS WHO OPT OUT OF CCE;

13               (X) THE APPROPRIATE PROCESS FOR APPROVAL OF CCE ON BEHALF

14       OF CUSTOMERS WITHIN A JURISDICTION;

15               (XI) WHAT REGULATORY OVERSIGHT, IF ANY, SHOULD APPLY TO

16       RESOURCE PROCUREMENT FOR CCE AUTHORITIES, FOR EXAMPLE IN THE

17       AREAS OF:

18               (A) STANDARDS FOR REQUESTS FOR PROPOSALS; OR

19               (B) ASSURANCE OF RELIABILITY;

20               (XII) WHETHER LEGISLATION SHOULD BE ADOPTED OR AMENDED

21       TO GUARANTEE OPEN ACCESS AND FAIR PRICES FOR TRANSMISSION

22       SERVICES;

23               (XIII) WHAT MINIMUM REQUIREMENTS SHOULD APPLY TO

24       INDEPENDENT POWER PRODUCERS AND POWER MARKETERS WHO WISH TO

25       SUPPLY ENERGY TO A CCE AUTHORITY;

26               (XIV) WHAT, IF ANY, DATA-SHARING REQUIREMENTS SHOULD BE

27       IMPOSED ON INVESTOR-OWNED ELECTRIC UTILITIES TO HELP ENSURE THAT

1 A CCE AUTHORITY OR A JURISDICTION INVESTIGATING WHETHER TO FORM  
2 OR JOIN A CCE AUTHORITY CAN REASONABLY EVALUATE ITS FINANCIAL  
3 AND TECHNICAL VIABILITY AND IMPLEMENT ITS CCE PROGRAM; AND

4 (XV) WHETHER THE INCREASING INTEGRATION OF DISTRIBUTED  
5 ENERGY RESOURCES SUCH AS ROOFTOP SOLAR, COMMUNITY SOLAR, AND  
6 BATTERY ENERGY STORAGE INTO DISTRIBUTION SYSTEMS WOULD  
7 FACILITATE OR IMPEDE THE IMPLEMENTATION OF CCE OR, CONVERSELY,  
8 WHETHER CCE WILL FACILITATE OR IMPEDE THE DEVELOPMENT OF  
9 DISTRIBUTED ENERGY RESOURCES.

10 (d) **Report.** THE COMMISSION SHALL SUMMARIZE ITS FINDINGS,  
11 CONCLUSIONS, AND RECOMMENDATIONS FROM THE INVESTIGATORY  
12 DOCKET IN A FINAL REPORT TO THE TRANSPORTATION AND ENERGY  
13 COMMITTEE OF THE SENATE AND THE ENERGY AND ENVIRONMENT  
14 COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR  
15 COMMITTEES. THE COMMISSION SHALL SUBMIT THE REPORT ON OR BEFORE  
16 JANUARY 1, 2021. RECOMMENDATIONS MAY BE SPLIT INTO MAJORITY  
17 VIEWS AND DISSENTING VIEWS IF NECESSARY.

18 (5) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,  
19 2023.

20 **SECTION 2. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, or safety.